

INDEX OF PRIVILEGED DOCUMENTS
RESPONSIVE TO FOIA REQUEST NO. 9705050014

Document Number	Description
1	<p>6/15/96 handwritten memorandum, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to DOE attorney David R. Hughes, re 1/17/89 letter from Randall E. Davis of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE Under Secretary Donna Fitzpatrick</p> <p>Responsive to item 5</p> <p>Attorney work-product privilege</p>
2	<p>10/9/96 fax transmission, 1 page, from DOE attorney Ivan A. Boatner to DOE attorney David R. Hughes, re 1/17/89 letter from Randall E. Davis of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE Under Secretary Donna Fitzpatrick; without attached copy of 1/17/89 letter (released as Document No. 1 in Index of Documents Released in Full)</p> <p>Responsive to item 5</p> <p>Attorney work-product privilege</p>
3	<p>10/9/96 memorandum, 1 page, from DOE attorney David R. Hughes to Marc Johnston, DOE Deputy General Counsel for Litigation, and to Gary M. Stern, DOE Assistant General Counsel for Contractor Litigation, re 1/17/89 letter from Randall E. Davis of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE Under Secretary Donna Fitzpatrick; without attached copy 1/17/89 letter (released as Document No. 1 in Index of Documents Released in Full)</p> <p>Responsive to item 5</p> <p>Attorney work-product privilege</p>
4	<p>handwritten notes, 38 pages, dated from 10/28/85 through 4/8/88, made by DOE attorney Michele Reynolds, re Brush Wellman's demand that the U.S. indemnify Brush in <u>Cook v. General Electric Co. and Brush Wellman Inc.</u>, Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand</p>

Responsive to items 4, 7

Attorney work-product privilege

- 5 handwritten notes, 2 pages, dated 4/30/85 and 10/1/86, made by DOE attorney Robin A. Henderson, re Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand

Responsive to items 4, 7

Attorney work-product privilege

- 6 handwritten notes, 13 pages, dated from 1/13/98 to 7/22/99, made by DOE attorney Stephen Dove, re Brush Wellman's demands that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio), and Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado), and possible settlement of those demands

Responsive to item 7

Attorney work-product privilege

- 7 1/7/98 memorandum, 1 page, from DOE attorney Stephen Dove for the file, re conversation with Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, concerning DOE's position on settlement of Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 8 3/17/98 memorandum, 1 page, from DOE attorney Stephen Dove for the file, re conversation with Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, concerning DOE's position on settlement of Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 9 12/2/98 memorandum, 1 page, from DOE attorney Stephen Dove for the file, re conversation with James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand

Responsive to item 7

Attorney work-product privilege

- 10 4/11/85 letter, 2 pages, from DOE attorney Laura Rockwood to Martin Samber, Chief Counsel, DOE Chicago Operations Office, re Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand; without attached copy of 4/1/85 letter from John M. Newman, Jr., of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Theodore J. Garrish, DOE General Counsel (released as Document No. 13 in Part II of Index of Documents Released in Full)

Responsive to items 4, 7

Attorney work-product privilege

- 11 7/1/85 letter, 4 pages, from Henry A. Gill, Jr., DOE Acting Assistant General Counsel for General Litigation, to Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, re Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand

Responsive to items 4, 7

Attorney work-product and attorney-client privileges

- 12 8/7/85 memorandum, 2 pages, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Acting Assistant General Counsel for General Litigation, re Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General

Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand

Responsive to items 4, 7

Attorney work-product privilege

- 13 10/22/86 handwritten note, 1 page, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Acting Assistant General Counsel for General Litigation, including an undated handwritten note from Henry A. Gill, Jr., to Robin A. Henderson, re possible settlement of Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Attorney work-product privilege

- 14 1/20/87 memorandum, 1 page, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, re conversation with Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio), and possible settlement of that demand

Responsive to items 4, 7

Attorney work-product privilege

- 15 7/17/87 memorandum, 1 page, from Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, to James A. Stout, Chief Counsel, DOE Albuquerque Operations Office, re possible settlement of Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); without attached copy of 10/10/86 letter from Martin Powers, Vice President for Administration, Brush Wellman Inc., to DOE attorney Michele Reynolds (listed as Document No. 41 in this Index of Privileged Documents)

Responsive to items 4, 7

Attorney work-product privilege

- 16 undated handwritten draft, 4 pages, of Document No. 15 in this Index of Privileged Documents

- Responsive to items 4, 7
- Attorney work-product privilege
- 17 undated draft, 2 pages, of Document No. 15 in this Index of Privileged Documents
- Responsive to items 4, 7
- Attorney work-product privilege
- 18 undated draft, 1 page, of Document No. 15 in this Index of Privileged Documents
- Responsive to items 4, 7
- Attorney work-product privilege
- 19 9/16/87 memorandum, 1 page, from Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, to James A. Stout, Chief Counsel, DOE Albuquerque Operations Office, re possible settlement of Brush Wellman's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)
- Responsive to items 4, 7
- Attorney work-product privilege
- 20 undated handwritten draft, 3 pages, of Document No. 19 in this Index of Privileged Documents
- Responsive to items 4, 7
- Attorney work-product privilege
- 21 undated handwritten draft, 3 pages, of Document No. 19 in this Index of Privileged Documents
- Responsive to items 4, 7
- Attorney work-product privilege
- 22 2/3/87 memorandum, 1 page, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, re Brush Wellman's

demand that the U.S. indemnify Brush in Molter v. Brush Wellman Inc., Case No. 86-4075 (Court of Common Pleas, Lucas County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 23 2/3/87 memorandum, 2 pages, from DOE attorney Michele Reynolds to R. L. deTimmerman, Acting Chief Counsel, DOE Albuquerque Operations Office, re Brush Wellman's demand that the U.S. indemnify Brush in Molter v. Brush Wellman Inc., Case No. 86-4075 (Court of Common Pleas, Lucas County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 24 2/4/87 letter, 1 page, from Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, to Patrick M. McLaughlin, U.S. Attorney, Northern District of Ohio, re Brush Wellman's demand that the U.S. indemnify Brush in Molter v. Brush Wellman Inc., Case No. 86-4075 (Court of Common Pleas, Lucas County, Ohio)

Responsive to item 7

Attorney work-product and attorney-client privileges

- 25 5/5/88 memorandum, 1 page, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, re Brush Wellman's demand that the U.S. indemnify Brush in Breen v. Brush Wellman Inc., Case No. 573999-2 (California Superior Court, Alameda County)

Responsive to item 7

Attorney work-product privilege

- 26 6/8/88 memorandum, 1 page, from DOE attorney Robin A. Henderson to Henry A. Gill, Jr., DOE Deputy General Counsel for Litigation, re Brush Wellman's demand that the U.S. indemnify Brush in Breen v. Brush Wellman Inc., Case No. 573999-2 (California Superior Court, Alameda County)

Responsive to item 7

Attorney work-product privilege

- 27 8/24/88 memorandum, 1 page, from DOE attorney Michele Reynolds to James A. Stout, Chief Counsel, DOE Albuquerque Operations Office, re Brush Wellman's demand that the U.S. indemnify Brush in Breen v. Brush Wellman Inc., Case No. 573999-2 (California Superior Court, Alameda County)

Responsive to item 7

Attorney work-product privilege

- 28 8/25/88 handwritten note, 1 page, from James A. Stout, Chief Counsel, DOE Albuquerque Operations Office, to DOE attorney Michele Reynolds, re Brush Wellman's demand that the U.S. indemnify Brush in Breen v. Brush Wellman Inc., Case No. 573999-2 (California Superior Court, Alameda County)

Responsive to item 7

Attorney work-product privilege

- 29 4/1/99 memorandum, 7 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Tyler Przybylek, Chief Counsel, DOE Albuquerque Operations Office, re proposed settlement of claim by Brush Wellman for DOE reimbursement of Brush's costs of litigating and settling two claims against Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without enclosed copies of Modifications Nos. 36 through 66 of Contract No. AT(30-1)-541 between Brush Beryllium Co. and the AEC (released as Document No. 10 in Index of Documents Released in Full), of correspondence between DOE counsel and Brush counsel (released as Documents Nos. 29-34 in Part II of Index of Documents Released in Full, and listed as Documents Nos. 48-61 in this Index of Privileged Documents), and of an undated draft of an unfiled complaint that Brush counsel submitted to DOE counsel at a meeting on March 9, 1999 in Washington, D.C. (listed as Document No. 62 in this Index of Privileged Documents)

Responsive to item 7

Attorney work-product privilege

- 30 4/8/99 memorandum, 1 page, from Tyler Przybylek, Chief Counsel, DOE Albuquerque Operations Office, to Marc Johnston, DOE Deputy General Counsel for Litigation, re proposed settlement of claim by Brush Wellman for DOE reimbursement of Brush's costs of litigating and settling two claims against Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas,

Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 31 5/25/99 memorandum, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Tyler Przybylek, Chief Counsel, DOE Albuquerque Operations Office, re proposed settlement of claim by Brush Wellman for DOE reimbursement of Brush's costs of litigating and settling two claims against Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 32 6/10/99 facsimile transmission message, 1 page, from DOE attorney Stephen Dove to Jake Chavez, Assistant Chief Counsel for Litigation, DOE Albuquerque Operations Office, re proposed settlement of claim by Brush Wellman for DOE reimbursement of Brush's costs of litigating and settling two claims against Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without attached copy of Settlement Agreement, General Release and Covenant Not to Sue that Brush entered into with the plaintiffs in the Starin case (listed in Document No. 82 in this Index of Privileged Documents)

Responsive to item 7

Attorney work-product privilege

- 33 6/14/99 facsimile transmission message, 1 page, from DOE attorney Stephen Dove to Jake Chavez, Assistant Chief Counsel for Litigation, DOE Albuquerque Operations Office, re proposed settlement of claim by Brush Wellman for DOE reimbursement of Brush's costs of litigating and settling two claims against Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Attorney work-product privilege

- 34 1/13/88 memorandum, 2 pages, from James A. Stout, Chief Counsel, DOE Albuquerque Operations Office, to James G. Hoyal, Jr., Director, Contracts and Industrial Relations Division, re reimbursement by DOE of legal fees and expenses incurred by Brush Wellman in connection with the defense of Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); without attached copy of 10/10/86 letter from Martin Powers, Vice President for Administration, Brush Wellman Inc., to DOE attorney Michele Reynolds (listed as Document No. 41 in this Index of Privileged Documents)

Responsive to items 4, 7

Attorney work-product and attorney-client privileges

- 35 undated draft, 2 pages, of Document No. 34 in this Index of Privileged Documents

Responsive to items 4, 7

Attorney work-product and attorney-client privileges

- 36 7/15/85 letter, 2 pages, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Robin A. Henderson, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 37 9/18/85 letter, 1 page, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Robin A. Henderson, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); with enclosed copies of Answers and Objections to Plaintiff's Second Set of Interrogatories and Request for Production of Documents Propounded to Defendant Brush Wellman Inc., and of Supplemental Response to Discovery Propounded by Plaintiff

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 38 4/23/86 letter, 1 page, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Michele Reynolds, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); without enclosed copy of Modifications Nos. 36 through 66 of Contract No. AT(30-1)-541 between Brush Beryllium Co. and the AEC (released as Document No. 10 in Index of Documents Released in Full)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 39 office copy of 4/29/86 letter, 1 page, from DOE attorney Michele Reynolds to Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 40 7/17/86 letter, 1 page, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Michele Reynolds, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); with enclosed copy of Notice of Dismissal as to Defendant Brush Wellman Inc.

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 41 10/10/86 letter, 1 page, from Martin Powers, Vice President for Administration, Brush Wellman Inc., to DOE attorney Michele Reynolds, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio); with enclosed copy of Brush's invoice to DOE for reimbursement of legal expenses incurred by Brush in defense of Cook; without enclosed copy of 4/1/85 letter from John M. Newman, Jr. of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Theodore J. Garrish, DOE

General Counsel (released as Document No. 13 in Part II of Index of Documents Released in Full)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 42 10/15/86 letter, 1 page, from DOE attorney Michele Reynolds to Martin Powers, Vice President for Administration, Brush Wellman Inc., re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 43 office copy of Document No. 42 in this Index of Privileged Documents

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 44 1/27/87 letter, 2 pages, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Robin A. Henderson, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 45 11/20/87 letter, 2 pages, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Michele Reynolds, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 46 3/9/88 letter, 1 page, from DOE attorney Michele Reynolds to Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Cook v. General Electric Co. and Brush Wellman Inc., Case No. 85-087600 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to items 4, 7

Deliberative process and settlement negotiations privileges

- 47 2/3/87 letter, 2 pages, from Janet L. Miller of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to DOE attorney Robin A. Henderson, re Brush's litigation strategy in Molter v. Brush Wellman Inc., Case No. 86-4075 (Court of Common Pleas, Lucas County, Ohio), for which Brush made demand upon the U.S. to indemnify Brush; with enclosed copy of Stipulation for Leave to Plead and Journal Entry, of a draft by Brush of "Brush Wellman Inc.'s Motion to Dismiss or, in the Alternative, for Summary Judgment and Memorandum in Support," and of a draft by Brush of "Answer of Defendant Brush Wellman Inc."

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 48 11/14/97 letter, 3 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Whitaker v. Brush Wellman Inc., Case No. 314064 (Court of Common Pleas, Cuyahoga County, Ohio), Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 49 12/16/97 letter, 3 pages, from Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Whitaker v. Brush Wellman Inc., Case No. 314064 (Court of Common Pleas, Cuyahoga County, Ohio), Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County,

Ohio); with enclosed copy of deposition of Lester Starin; without enclosed copy of Brush's documentation for its partial reimbursement by its insurance (2 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 50 1/2/98 letter, 2 pages, from Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 51 1/12/98 letter, 3 pages, from Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without enclosed copies of Brush labor hour records (5 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 52 1/15/98 letter, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 53 1/29/98 letter, 3 pages, from Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S.

indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without enclosed copies of medical and employment records of the plaintiffs in Starin and Johnson (17 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges; FOIA Exemption 6

- 54 2/3/98 letter, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 55 2/19/98 letter, 2 pages, from Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 56 3/20/98 letter, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Mark J. Andreini of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 57 11/23/98 letter, 2 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 58 12/16/98 letter, 2 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 59 12/21/98 letter, 3 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 60 1/22/99 letter, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 61 2/25/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, confirming a meeting on March 9, 1999 in Washington, D.C., re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 62 undated draft, 7 pages, of an unfiled complaint, with the case name "Brush Wellman, Inc. v. United States of America," which James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, submitted to Marc Johnston, DOE Deputy General Counsel for Litigation, at a meeting on March 9, 1999 in Washington, D.C., re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 63 4/14/99 letter, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 64 4/20/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 65 4/29/99 letter, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 66 6/25/99 letter, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, re negotiation of the terms of the document entitled "Release Of Claims By Brush Wellman Inc.," which would reflect Brush's acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); with attached copy of a draft by DOE of "Release Of Claims By Brush Wellman Inc."

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 67 6/28/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re negotiation of the terms of the document entitled "Release Of Claims By Brush Wellman Inc.," which would reflect Brush's acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 68 6/30/99 letter, 2 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, re negotiation of the terms of the document entitled "Release Of Claims By Brush Wellman Inc.," which would reflect Brush's acceptance of a settlement

of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); with attached copy of a draft by DOE of “Release Of Claims By Brush Wellman Inc.”

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 69 7/2/99 letter, 2 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to DOE attorney Stephen Dove, re negotiation of the terms of the document entitled “Release Of Claims By Brush Wellman Inc.,” which would reflect Brush’s acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 70 7/2/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to DOE attorney Stephen Dove, re negotiation of the terms of the document entitled “Release Of Claims By Brush Wellman Inc.,” which would reflect Brush’s acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 71 7/6/99 telefax, 2 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re negotiation of the terms of the document entitled “Release Of Claims By Brush Wellman Inc.,” which would reflect Brush’s acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); with attached copy of a draft by Brush of “Release Of Claims By Brush Wellman Inc.,” with handwritten revisions by DOE attorney Stephen Dove

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 72 7/7/99 telefax, 2 pages, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to DOE attorney Stephen Dove, re negotiation of the terms of the document entitled “Release Of Claims By Brush Wellman Inc.,” which would reflect Brush’s acceptance of a settlement of its demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); with attached copy of a draft by Brush of “Release Of Claims By Brush Wellman Inc.,” with a handwritten revision by DOE attorney Stephen Dove

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 73 4/2/98 letter, 3 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, re settlement negotiations concerning Brush’s demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 74 12/28/98 letter, 4 pages, from Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush’s demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado); with enclosed copies of transcript of 6/25/98 hearing, Brush’s Second Answer to Second Amended Complaint, Brush’s Designation of Nonparties, Plaintiffs’ Initial Disclosures, Plaintiffs’ First Supplemental Disclosure, Plaintiffs’ Second Supplemental Disclosure, Plaintiffs’ Third Supplemental Disclosure, Brush’s Disclosure Statement, Brush’s First Supplemental Disclosure Statement, Brush’s Second Supplemental Disclosure Statement, Brush’s Third Supplemental Disclosure Statement, Brush’s Certificate of Review, and Case Management Order

Responsive to item 7

Deliberative process and settlement negotiations privileges

75 2/24/99 letter, 1 page, from Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado)

Responsive to item 7

Deliberative process and settlement negotiations privileges

76 3/11/99 letter, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado)

Responsive to item 7

Deliberative process and settlement negotiations privileges

77 3/29/99 letter, 1 page, from Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado)

Responsive to item 7

Deliberative process and settlement negotiations privileges

78 8/30/99 letter, 2 pages, from Thomas E. Downey, Jr., of Downey & Knickrehm, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, and to DOE attorney Stephen Dove, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Ballinger v. Brush Wellman Inc., Civil Action No. 96 CV 2532-5 (District Court, Jefferson County, Colorado), Morgan v. Brush Wellman Inc., Case No. 3:94-CV-369 (E.D. Tenn.), Hall v. Brush Wellman Inc., Case No. 3:99-CV-110 (E.D. Tenn.), Orick v. Brush Wellman Inc., Case No. 3:98-CV-652 (E.D. Tenn.), Foster v. Brush Wellman Inc., Case No. 3:97-CV-105 (E.D. Tenn.), and Grant v. Brush Wellman Inc., Case No. 3:97-CV-593 (E.D. Tenn.); without enclosed copy of the settlement demand brochure, containing summaries of the medical profiles of individual plaintiffs, that the plaintiffs in the above-referenced cases tendered to Brush (202 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges; FOIA Exemption 6

- 79 2/3/00 letter, 1 page, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Jeffery D. Ubersax of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Miller v. Brush Wellman Inc., Case No. 399172 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 80 2/8/00 letter, 1 page, from Jeffery D. Ubersax of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Miller v. Brush Wellman Inc., Case No. 399172 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 81 4/7/00 letter, 3 pages, from Marc Johnston, DOE Deputy General Counsel for Litigation, to Jeffery D. Ubersax of Jones, Day, Reavis & Pogue, counsel for Brush Wellman, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Miller v. Brush Wellman Inc., Case No. 399172 (Court of Common Pleas, Cuyahoga County, Ohio), Lemke v. Brush Wellman Inc., Case No. 398004 (Court of Common Pleas, Cuyahoga County, Ohio), and Reddin v. Brush Wellman Inc., Case No. 400384 (Court of Common Pleas, Cuyahoga County, Ohio)

Responsive to item 7

Deliberative process and settlement negotiations privileges

- 82 5/4/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without a one-page summary of the information provided; without enclosed copies of Brush's documentation for its legal fees and costs, its partial reimbursement by its

insurance, and its settlement agreements with the plaintiffs in Starin and Johnson (141 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges; confidential commercial and financial information

- 83 5/10/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio); without enclosed copies of Brush's documentation for its costs in Starin and Johnson (88 pages)

Responsive to item 7

Deliberative process and settlement negotiations privileges; confidential commercial and financial information

- 84 6/28/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to Marc Johnston, DOE Deputy General Counsel for Litigation, re settlement negotiations concerning Brush's demand that the U.S. indemnify Brush in Starin v. Brush Wellman Inc., Case No. 321428 (Court of Common Pleas, Cuyahoga County, Ohio), and Johnson v. Brush Wellman Inc., Case No. 326113 (Court of Common Pleas, Cuyahoga County, Ohio), and containing Venizelos & Associates' Trust Account Number

Responsive to item 7

Deliberative process and settlement negotiations privileges; confidential commercial and financial information

- 85 7/1/99 letter, 1 page, from James C. Venizelos of Venizelos & Associates, counsel for Brush Wellman, to DOE attorney Stephen Dove, re Venizelos & Associates' delivery preference for the document entitled "Release Of Claims By Brush Wellman Inc.," and containing Venizelos and Associates' Federal Express Account Number

Responsive to item 7

Confidential commercial and financial information

